

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-308 as follows:

6 (625 ILCS 5/6-308)

7 Sec. 6-308. Procedures for traffic violations.

8 (a) Any person cited for violating this Code or a similar  
9 provision of a local ordinance for which a violation is a petty  
10 offense as defined by Section 5-1-17 of the Unified Code of  
11 Corrections, excluding business offenses as defined by Section  
12 5-1-2 of the Unified Code of Corrections or a violation of  
13 Section 15-111 or subsection (d) of Section 3-401 of this  
14 Code, shall not be required to sign the citation for his or her  
15 release. All other provisions of this Code or similar  
16 provisions of local ordinances shall be governed by the  
17 pretrial release provisions of the Illinois Supreme Court  
18 Rules when it is not practical or feasible to take the person  
19 before a judge to have conditions of pretrial release set or to  
20 avoid undue delay because of the hour or circumstances.

21 (b) Whenever a person fails to appear in court, the court  
22 may continue the case for a minimum of 30 days and the clerk of  
23 the court shall send notice of the continued court date to the

1 person's last known address and, if the clerk of the court  
2 elects to establish a system to send text, email, and  
3 telephone notifications, may also send notifications to an  
4 email address and may send a text message to the person's last  
5 known cellular telephone number. If the person does not have a  
6 cellular telephone number, the clerk of the court may reach  
7 the person by calling the person's last known landline  
8 telephone number regarding continued court dates. The notice  
9 shall include a statement that a subsequent failure to appear  
10 in court could result in a warrant for the defendant's arrest  
11 and other significant consequences affecting their driving  
12 privileges. If the person does not (i) appear in court on or  
13 before the continued court date, (ii) satisfy the charge  
14 without a court appearance if allowed by Illinois Supreme  
15 Court Rule, or (iii) satisfy the court that the person's  
16 appearance in and surrender to the court is impossible for no  
17 fault of the person, the court shall enter an ex parte judgment  
18 of conviction imposing a single assessment, specified in the  
19 applicable assessment Schedule 10, 10.5, or 11 for the charged  
20 offense, as provided in the Criminal and Traffic Assessment  
21 Act, plus a fine allowed by statute. The clerk of the court  
22 shall notify the Secretary of State, in a form and manner  
23 prescribed by the Secretary, of the court's order. If the  
24 person does not appear in court on or before the continued  
25 court date or satisfy the court that the person's appearance  
26 in and surrender to the court is impossible for no fault of the

1 ~~person, the court shall enter an order of failure to appear.~~  
2 ~~The clerk of the court shall notify the Secretary of State, on~~  
3 ~~a report prescribed by the Secretary, of the court's order.~~  
4 ~~The Secretary, when notified by the clerk of the court that an~~  
5 ~~order of failure to appear has been entered, shall immediately~~  
6 ~~suspend the person's driver's license, which shall be~~  
7 ~~designated by the Secretary as a Failure to Appear suspension.~~  
8 ~~The Secretary shall not remove the suspension, nor issue any~~  
9 ~~permit or privileges to the person whose license has been~~  
10 ~~suspended, until notified by the ordering court that the~~  
11 ~~person has appeared and resolved the violation. Upon~~  
12 ~~compliance, the clerk of the court shall present the person~~  
13 ~~with a notice of compliance containing the seal of the court,~~  
14 ~~and shall notify the Secretary that the person has appeared~~  
15 ~~and resolved the violation.~~

16 (c) Illinois Supreme Court Rules shall govern pretrial  
17 release and appearance procedures when a person who is a  
18 resident of another state that is not a member of the  
19 Nonresident Violator Compact of 1977 is cited for violating  
20 this Code or a similar provision of a local ordinance.

21 (d) The changes made to this Section by this amendatory  
22 Act of the 103rd General Assembly apply to each individual  
23 whose license was suspended pursuant to this Section between  
24 January 1, 2020 and the effective date of this amendatory Act  
25 of the 103rd General Assembly, and the suspension shall be  
26 lifted by the Secretary of State without further action by any

1 court.

2 (Source: P.A. 100-674, eff. 1-1-19; 101-652, eff. 1-1-23.)